THE CIVILL RIGHT OF TYTHES:

OR,

The Countrey Incumbent his Clayme thereto.

Wherein are divers Reasons held forth;

I. That the Propietie of *Tythes* is not in the hands of the Land-holder.

II. Nor in the hands of the State.

III. That it is, and ought to be, in the hand of the Incumbent.

BY

B. A. a faithfull well-wisher to the Parliament, to the Armie, to the Common-wealth, and to all the People of God in *England.*

PROV. 22. 28.

Remove not the ancient Bound which thy Fathers have set.

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THE CIVILL RIGHT OF TYTHES.

IT is not any ſiniſter reſpect, that puts me on this undeſired Worke; neither is it any ſelfe-End, that made me, the unmeeteſt of others, to undertake this imployment before others: But the Glory of God, the Good of the Miniſterie, the Honour of our Nation, the Advancement of Religion, the Supporting of Learning, the Peace, Tranquillitie, and Welfare of the Parliament, of the Armie, and of the Commonwealth; as alſo due reſpect to an Order made in the latter end of *July*, whereby libertie is granted to any to tender the Incumbents claymes in the proprietie in *Tythes*: Theſe were the ſole and onely Ends which I herein aymed at.

In clearing of the Truth in hand, I ſhall firſt of all (God willing) lay downe ſome Reaſons; firſt, *Privative*, why the Proprietie of *Tythes* can neither be in the Land-holder, or People, nor in the State and Common-wealth: ſecondly, *Poſitive*, why the Proprietie of *Tythes* is in the hand of the Incumbent: And then ſhall I briefely anſwer ſome Objections, which the Petitioners commonly pretend againſt the paying and receiving of *Tythes*.

I. The Proprietie of *Tythes* is not in the hands of the Land-holder, or of the People: for,

Firſt, Our Law not onely diſtinguiſheth the Proprietie of

the Land-holder, or of the People, from the Incumbents and Impropriators tenth part; but after *Tythes* are set out, it maketh it a like Trespas in the Land-holder to carry away the *Tythe*, as for an Incumbent or Impropriator to carry a wrong Sheafe, or Cock. For whereas it is Felonie in a stranger, that can pretend no Proprietie, to take either of their Cocks or Sheafes away, it is not Felonie according to the Law and Custome of our Land, but an equall or like Trespas in the Land-holder, or of him that taketh *Tythes*, thus to mistake. The Law also giveth him power, without asking leave, to come on the Land-holders ground, either in Enclosure, or common Field, if he please, to demand *Tythes*, and to carry it away, when it is once set out. These and an hundred the like particulars, that might be instanced in, clearly shew, that there is the same Proprietie in the Incumbent for his Tenth, as there is in the Land-holder for his Nine parts.

But secondly, What seeke I any other proofe? when as by the great Patrons of Justice, the Judges of our Land, it hath beene oft delivered at the Grand Assizes in their Charges to this effect, That the Law giveth the Incumbent or Impropriator the same right for his Tenth, as the Land-holder hath to his other Nine parts. Whereby it doth most evidently appeare, that the Proprietie of *Tythes* is so farre from being in the Land-holder, that if there be in him a Proprietie for the Nine parts, there is also a Proprietie in the Incumbent, or Impropriator, for his Tenth: otherwise, how have these the same right to the one, as they have to the other? Now the great Possessor of Heaven and Earth be pleased in mercy to restraine these, that so vigorously and actively goe about to Petition to take away the Tenth, that many of them may not, to the overthrow of all Proprietie, goe about afterwards to take away the Free-holders Nine parts, intending the taking away of *Tythes* as the laying of a Foundation to bring in Communitie, and to take away all Proprietie whatsoever in the Free-holder and Tenant.

Thirdly, The possession of *Tythes* hath not beene in the hands of the Land-holder, but of the Incumbent, not onely since, but many hundred yeares before the *Norman* Conquest,

without

without alteration, in the great Concuſſions that this Land hath beene toſſed up and downe with. And would they deſire to have theſe *Tythes*, which their Anceſtors for many hundred yeares never enjoyed? Neither were theſe in the hands of the Land-holder, when haply many thouſands of theſe Petitioners Anceſtors firſt planted and ſeated themſelves in this Land.

Fourthly, The Land-holder, or People, can have no Proprietie in *Tythes* by Purchaſe, for neither they nor their Anceſtors did ever purchaſe them (theſe being in the Incumbents hand long before they, or their Anceſtors, purchaſed their Inheritances in *England*.) The Tenth being never purchaſed by themſelves, or their Anceſtors; How can they thinke, that they have any Proprietie in it?

I I. The Proprietie of *Tythes* is not in the hands of the State, or Common-wealth.

Firſt, The Lawes which the Parliaments have made, ſhew the contrarie: Amongſt the reſt, the Statute of *Mortmain*, a Law ſtill in force; by which, if they gave any thing to the Church (as they then ſtiled it) it was then by the Statute ſuppoſed to be in a dead hand (for ſo the words *Mortmain* importeth.) It was thereupon enacted, to prevent ſuch further Donations, That if any did give in that manner afterwards, without ſpeciall Licence, it ſhould be by that Act forfeited to the King, or State. If the Proprietie of theſe Gifts, or the like, had beene in the States hands, how was it enacted as a Penaltie, or Forfeiture, to prevent theſe further Gifts and Donations, That if any did give, it ſhould be forfeited to them? If the Gift made it theirs, why was the Forfeiture added? Surely, the Forfeiture alienated the Proprietie from him, on whom the Donour intended it: Yea, the Parliament needed not to have Decreed, that it ſhould be a Forfeiture to the State, if the State had the Proprietie of it by the Gift. The Parliament, by this Act of theirs; and other Parliaments, by continuance thereof, without Repeale or Alteration, manifeſt, that the Proprietie of ſuch things as had beene for-

merly given, was not in their hands, nor in the hands of the King, or State.

Secondly, The Kings and Queenes of *England*, even in these Livings whereof they had the Patronage, did never before institution, or induction, take the profit of these *Tythes*, which fell in the time of their Vacancie, but they were sequestred to the use of the next Incumbent. If they had Proprietie in any, here was the greatest shew, in the places of their Patronage; yet, even in these, they claymed no further Proprietie but as other Patrons; neither did they appropriate these, without the consent of the Bishop and Incumbent.

Thirdly, The Incumbent had power, with their Bishops and Patrons consent, to alienate by Lease for many yeares, or to appropriate to some House, or Corporation, the *Tythes* of their Rectorie, without the consent of the People, or Land-holders, or without the consent of the Parliament, or State, even as firmely as any Free-holder could doe his proper estate: which clearely sheweth, that neither People nor State had any Proprietie in them; for if so, their consent of necessitie must have beene required to such an alienation.

Fourthly, The Common-wealth of *England* did in the times of Kings and Queenes lay clayme no otherwise to *Tythes*, that were in the hands of the Incumbents, then they did to the Nine parts belonging to other Free-holders; making Lawes for the regulating and well-ordering of one, as well as the other: Which power of theirs, in making Lawes, did no more take away the Proprietie from the Incumbent, then it did from any Free-holder over whom they had the like power.

Fifthly, It was never the intent of the Donours, to place the Proprietie of them in the hands of the State, but in the Incumbent: for if there had beene such an intent, it would have beene either expressed, or implyed. The Apostle speaketh of it, as a Rule generally received: *If it be but a mans Testament, if it be confirmed, no man disanulleth, or addeth thereto*, *Gal.* 3. 15. The Oath which *Joseph* in his Will charged the *Israelites* withall; though these persons might be dead to whom

whom the Oath was given, yet *Moſes*, who was borne ſixtie five yeares after the Oath, holdeth himſelfe bound to fulfill it; the Holy-Ghoſt rendring it as a Reaſon, why *Moſes* tooke the Bones of *Joſeph* with him, becauſe he had *ſtraitly ſworne the children of Iſrael thereto*, *Exod.* 13. 19. Yea, this Will of his, the Holy-Ghoſt calleth a *Commaund*, *Heb.* 11. 22. Oh, let men be tender of doing injurie to the Wills of the dead, as they would have others to be tender of fulfilling their Wills when as they are dead.

III. Proprietie of *Tythes* is in the hands of the Incumbent.

Firſt, Incumbents had actuall poſſeſſion given them in all Ages of the Rights, Profits, and Emoluments belonging to their Rectories, or Vicarages, as punctually by Induction, as other Free-holders had of their Free-holds: againſt which, in caſe of controverſie to the Clerke, though preſented by the King or Queene of *Englands Mandamus*, yet there was a Returne made of *Eccleſia plena*, and he muſt bring a *Quare Impedit*, and he could not have by Law Inſtitution, or Induction, untill the former Incumbent was legally ejected out of that poſſeſſion, which he had ſome way or other unjuſtly obtained.

Secondly, Incumbents of Livings had Voyces not onely in electing of their Clerkes of Convocation, but alſo with other Free-holders, in electing Knights for the Shire, though they had no other Free-hold, they alwayes being held and reckoned as Free-holders; as in our Times, even in *Northamptonſhire*, was legally cleared. If other Free-holders therefore have Proprietie to Nine parts, the Incumbent hath right to the Tenth, the quantitie no way altering the qualitie; his Proprietie being in one part equally as right, and as proper in him, as the Proprietie of the Free-holder in the other Nine parts was in him.

Thirdly, By all Acts of Parliament, the Incumbents have an equall right of Suing, either for their *Tythes* unjuſtly detained, or for any other Treſpaſſes, as Impropriators have for their Impropriations; although Impropriators bought their Impropriations in as ample, or rather more ample

manner

manner then any purchaſer of the Abbey Lands, to which they were appropriated: the Abbey Lands and Nunneries, and others of the like nature, being onely once bought, and payd for; but many of thoſe by a ſecond ſurvey, the purchaſers that bought them as appropriated to their Mannors, were after conſtrained to buy againe by a more particular purchaſe. Shall wee condemne the wiſedome of all fore-going Parliaments, which have generally given power, in caſe of detaining *Tythes* to the Incumbent, to Sue as a Right in his owne name, and affirme he hath no Proprietie in them, no due claime to them, which by Parliamentarie Lawes the Incumbent Sueth for in his owne name, as for his owne proper goods?

Fourthly, Parliaments have given treble Coſts and Dammages againſt thoſe, which contrarie to Law detaine *Tythes* from Incumbents, whether Impropriators or others. Shall we think they have no Proprietie in that, to which our Law by Acts of Parliament ſince *Henry* the eighth alloweth them, in caſe of injurie offered them in their *Tythes*, a treble ſatisfaction, when as others have but a ſingle? Surely, theſe Parliaments which made theſe Acts knew they had a Proprietie in them, otherwiſe they would not have given greater Dammages to them then they did give to other Free-holders, which (all acknowledge) have Proprietie in their eſtates.

Fifthly, Kings and Queenes of *England* required their Taxes of them, uſually called Subſidies, no otherwiſe then they did of other Free-holders; which Taxes, or Subſidies, they gave to the maintenance of the Common-wealth by the Clerkes of Convocation, whom they elected as other Free-holders did their Subſidies, by the Parliament-men whom they choſe. If the Proprietie of their eſtate had not been in their owne hands, it would not have been a Subſidie which they had given, but a Rent-charge, or part of the Revenue of the State which they had reſtored.

Sixtly, *Tythes* were long agoe bounded by our Anceſtors, and had the Proprietie intended by the firſt Donours, to the Miniſter; they ought not therefore to be alienated, contrarie to the intent of the Donour, from the Miniſter. For herein

Gods

Gods Law giveth a ſtrict prohibition, from altering any Civill Right in this or in the like kind, *Prov.* 22. 28. *Remove not the ancient Bound which thy Fathers have ſet.*

1. Theſe which Petition to take away *Tythes* from Incumbents, or Impropriators, endevour to remove that Civill Bound which their Fathers have ſet; which, in mans Civill Right ought not to be done.

2. Eſpecially ſeeing that there was a Vow, or Oath, going along in all theſe Donations, as Hiſtorians ſhew: For the ſame wiſe man will tell you, *It is a Snare to devoure that which is holy, and after Vowes to make enquirie*, *Prov.* 20. 25. The *Gibeonites*, which were *Nethinims*, the loweſt kind of Miniſters in Gods Houſe, when *Saul* tooke not onely their Lives, but their Lands from their Children, their inheritance being much in the Lot of the Tribe of *Benjamin*, (as ye may ſee *Joſh.* 18. 25, 26, 28. with *Joſh.* 9. 17.) *Sauls* owne Tribe; he in *zeale* to the Children of *Iſrael* ſlew them, 2 *Sam.* 21. 2. to make the *Gibeonites* to ceaſe from remaining in any of the Coaſts of *Iſrael*, 2 *Sam.* 21. 5. God which never required particularly the bloud of the Prieſts at *Sauls* hands, whom he ſlew in like manner as he did the *Gibeonites*, 1 *Sam.* 22. 18, 19. yet maketh inquiſition for the bloud of *Gibeon*, even in *Sauls* Childrens time, and fortie yeares after requireth juſtice to be done on the poſteritie of *Saul*, who would have cut off the eſtate, and rooted out the poſteritie of *Gibeon*. That Vow which *Iſraels* fore-fathers (although with a great deale of infirmitie) had made to them, tyeth the poſteritie of *Iſrael* to fulfill it five hundred yeares after; and *Iſrael* ſmarts in their poſteritie, and *Saul* in his poſteritie for the breach thereof.

3. There was a Curſe added to thoſe that removed the ancient Land-mark, even by God himſelfe to *Iſrael*, as *Moſes* ſheweth, *Deut.* 27. 17. and by the Donours of *Tythes* in *England*, as Hiſtorians ſhew.

And ſurely, as a continued *ſeries* of mercifull Acts of Divine Providence do manifeſt a good Cauſe, with which they goe along; As in Gods proſpering our Forces by Sea and Land, if we be not wilfully blind, we may ſee, and acknowledge the wonderfull diſpenſations of God, which he hath

wrought for the Nation, which call for thankfull acknowledgements from a people so mightily holpen, and are strong encouragements to us to depend on him for the future, in the worke he hath begun amongst us: So certainely, on the contrary, a continued *series* of direfull Acts of Providence doe oft accompanie, if not manifest an evill Cause. And surely it is not to be slighted, but rather seriously to be weighed, how the God of Heaven from time to time hath blasted the endeavours of those States, Princes, Common-wealths, and Parliaments, that have thus alienated *Tythes* to other maintenance then of Ministers, to which by their Ancestors Wills they were formerly designed. What Protestant Prince, or Common-wealth, did in our dayes, or in the dayes of our Fathers, ever take them into their owne Coffers, for the payment of Souldiers, or other uses, that did in conclusion gaine any thing thereby? The Lord be pleased to keepe off such extremities from our Common-wealth, as they have fallen into.

I shall first instance in *Holland*, which is neere us in situation, though remote from us in affection: They sixtie yeares agoe, and upwards, tooke away part of that maintenance which their fore-fathers had given to the maintenance of the Ministers of Gods publike worship, and set it apart to the maintenance of their Warres: and have they not had Warres ever since to maintaine? Neither would that which they thus took, maintaine their Warres, but the Charges thereof grew so on them, that the Excises and Taxes of *Holland* farre exceeded these in our Countrey; they being oft necessitated to keepe an Armie of sixtie thousand horse and foot, besides their Sea-Navie. And yet how have their Bounds at home been straitned, that have straitned the Ministers maintenance? Yea, what Losses by Warre in their Territories did they since undergoe, by a totall Losse of their principall Province of *Flanders*, and their head Citie *Antwerpe*, and other parts of their Countrey? Yet being now lifted up with pride & selfe-confidence, they go about to take away *Englands* Right also, who have formerly, with a great expence of Treasure, and of Bloud, maintained theirs: And they still endeavouring on

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the Ministers maintenance, to maintaine even these Warres of theirs, which being unjust, doe therefore come from their *owne lusts, Jam.* 4. 2. How hath the good hand of the Lord gone along with us, to the punishing of them, with whom we would willingly have joyned in a League of brotherly love and amitie?

Frederick, Pr. Elector *Palatine*, tooke away *Tythes* from the Ministrie for the like end: And did not he, and his, lose all their Countrey for neere thirtie yeares together? yea, some of his Rights and Priviledges are so totally taken from his Posteritie, that in probabilitie none of his heires can ever be able to recover them: Yea, if I be not mis-informed, after he tooke the Ministers maintenance in *Bohemia* into his owne hands, payd them well the first yeare, indifferent well the second yeare, in the third yeare the Emperour commeth and soupeth all away from him and them. And how doth his sonne now feele the want of Ministers in the *Palatinate?*

But to leave these foreign examples, to come neerer home: *Henry* the eighth, who was an exact Modell of Tyrannie, in whose Acts you may see a large Map of Tyrannicall Oppressions, of all sorts: He tooke Impropriations, and sold them; the value of which Impropriations, together with Abbey Lands, and others of the like nature, to which they were annexed, might be reckoned to be the fourth part of *England*: yet in a few yeares after died so poore, that he was not able at his death to give his two Daughters in readie Money ten thousand pound a piece to their Portion, but left it to be payd out of the Revenues, that came into his Exchequer: albeit in his Daughters time, many Citizens in *London*, and others, did give farre greater Portions with their Daughters. Yea, it was the observation of a Knight, who sayth to this effect: *I know not how it commeth to passe, yet I find it to be so, that Henry the eighth and his Posteritie reigned onely so many yeares in* England, *after the passing away of Impropriations, as* Nebuchadnezzar *and his Posteritie reigned in* Babylon, *after the taking away the Vessels of the Temple.*

2. As for the Parliament that passed them away, it was

that which a man of God was wont to say, as I have heard it from the mouth of one of his Congregation, *That the Parliament of* England, *after they passed away, through* Henry *the eighths instigation, the Impropriations, lost their owne Parliamentarie Priviledges.* This we all know; Parliament-Priviledges, and its Power, were afterwards so broken and lost, that till of late they could never be regained, and then with the expence of a great deale of Bloud, and Treasure.

3. The Purchasers that bought them of *Henry* the eighth, how few of their Posteritie enjoy these Impropriations which their Fathers purchased? Of those Thousands that were then purchased, there are not Hundreds in the hands of the Heires of the first Purchasers. We might instance in many Impropriations, which have changed their Owners nigh a dozen times; yea, many of them selling them, not through desire of gaine, to purchase greater estates, but through necessitie to satisfie those Debts, which after they had purchased them, they did run into. The observation whereof, moved a man of God to think and averre, *Had it not been for this, many a faire Family had at this day stood, which is now ruinated.*

4. The tyrannicall Bishops of our times, who would rather have poore Ministers then good, hindred the buying in of Impropriations, by the Feoffees entrusted to that purpose: These took the Money into their owne Coffers, which was given by the Ministers. And did not the hand of God goe out against them afterwards, befooling them in all their Counsels and Undertakings in *England* and *Scotland*? They quickly lost their owne estates, which not onely hindred in the buying of these, but also tooke the benefit of that Money into their owne hands. And surely it is remarkable, that we reade in the New Testament but of few Judgements that the Lord inflicted on ungodly men that lived in the Pale of the Church; the Lord in Gospel-times delighting to walke in his Church in a way of Mercie rather then in a way of Judgment: Yet there is mention made of *Ananias* and *Saphira*, which *brought a certaine part of the price of the possession, and layd it at the Apostles feet, Act.* 5. 1, 2. when as they had consecrated, by their owne gift, the whole. These were by the severitie

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of Gods juſtice ſtruck dead, as invaders of Gods right, from which they did pare or clip off part: ſo the word ſignifieth. Thus we ſee it is dangerous clipping of that, which either we, or others, have ſet Gods ſtampe on.

But it is objected,

Object. 1. The payment of *Tythes* is a grievous oppreſſion.

Anſw. But this is onely objected, but not proved. For where is the oppreſſion, when as the one receiveth no more then was firſt given out before the other purchaſed; & the Free-holder enjoyeth as much as he or his Anceſtors ever purchaſed?

Surely, if this maintenance were diſannulled, and the Miniſter maintained by Taxes (as ſome deſire) this haply might carry in ſome mens eſtates ſome colour of oppreſſion with it: but when as it was ſet out long before any Free-holders eſtate was purchaſed, there can be no ſhew of oppreſſion in it.

Beſides, theſe men that Petition againſt *Tythes* as an oppreſſion, doe not they ignorantly deſire to expreſſe two hundred thouſand in their total maintenance, and the greater part of the poor of the Land in ſome part of their maintenance, and many of the Gentry in the rights annexed to their Mannors?

For 1. If there be above ten thouſand Families of Miniſters that live upon *Tythes*, and foure or five thouſand Impropriators, the greateſt part of whoſe livelyhood is the benefit of their Impropriations; and many of theſe maintaine, beſides their owne, ſome one, ſome two, ſome three, ſome more Families, by keeping the poore Maſter in continuall imployment. So that they would have the totall preſent maintenance taken away from thirtie or three and thirtie thouſand Families, which if but ſix in a Family, the number will amount nigh to two hundred thouſand perſons, that would be greatly oppreſſed, if not totally ruined thereby.

2. Beſides the loſſe of Patronage, which Patrons would receive; which is their proper Right annexed to their Mannors, which they and their Anceſtors were as Feoffees intruſted by the Pariſhes, to preſerve the Rights of thoſe places over which they were intruſted, and had the Proprietie of Patronage committed to them.

3. Would not the poore generally ſuffer loſſe, though the

eyes of many of them are not yet open to see it? They count in moſt common fields, and I think not amiſſe, that their very gleanings to be a third part as much after the *Tythe*, as after the reſt of the Crop. They may live foure or five miles from a Market; whither can they goe in many places to buy Corn, but to the Miniſter, who doth oft furniſh their neceſſities? yea, ſome of them under the Market, and that without readie Money; beſides the ſtraw, and other benefits, which if once out of the Miniſters hands, the poore would quickly groane under the loſſe that they ſhould receive thereby; which now they feare not, becauſe they doe not feele it. Oh, let it be farre from the Governours of our Land to enact that, which might occaſion God to have a Controverſie with *England*, as he had with *Iſrael*, and to ſay of us as he did of *Iudah*; *I looked for Judgement, but behold Oppreſſion; for Righteouſneſſe, but behold a Crie, Iſa.*5.7. For, if the *Crie* but of *one Labourer which reapeth downe your Harveſt*, for *detaining of his wages* but a ſhort time, *Deut.*24. 14, 15. commeth *into the eares of the Lord of Hoſts*, *Jam.*5. 4. Oh, what a loud noyſe will the Crie of ſo many Families of the Lords Labourers make in his eares, when as either their maintenance is totally taken away, or it is ſo ſtraitned that they cannot doe the Lords woork with joy and delight, by reaſon of outward Cares? If this ſhould ever come to paſſe in this Land, my ſoule ſhould weepe in ſecret places, and mine eyes ſhould run downe with teares day and night; not ſo much for the great outward loſſe that Gods Miniſters would ſuſtaine, (for the great Houſe-keeper of the World could, and without doubt would provide for his own ſervants in ſome place or other) but for the Parliament, for the Armie, for the Common-wealth, & for the pleaſant Land of my Nativitie, which are deare in mine eyes: For I ſhould have occaſion to feare, our *Shield* would depart from us; and *woe to us when he departeth from us*, *Hoſ.*6. 12.

*Obiect.*2. A great number doe Petition againſt *Tythes*.

Anſw. I wote, that through ignorance moſt of the people, yea, ſome of the chiefe Petitioners doe it: which number of Petitioners (if they did Petition againſt nothing elſe but *Tythes*, not drawing in parties by joint Petitioning for ſome neceſſarie

neceſſarie things) commeth farre ſhort of the number of thoſe that would be injured, by granting that they deſire: whereas if the multitudes were ten thouſand times more then are, that ſhould deſire it, if there were but one man oppreſſed, yet the Magiſtrate hath a ſtrict Law that binds him, *not to follow a multitude to doe evill, nor* ſo much as to *ſpeak* in a Cauſe, *to decline after many to wreſt Judgement, Exod.* 23. 2.

Object. 3. But many of theſe would have Impropriations ſatisfied for, according to their value and worth.

Anſw. It is fit, that when as they part with them, that they ſhould be ſatisfied for them: for they bought them of the Kings of this Land at dearer Rates then Abbey Lands, and other the like Lands, that were then purchaſed with them; and had them confirmed to them by Parliament: which maketh them by our Law as fully theirs, as any Free-hold is, or as our Law can make them.

Beſides, theſe people know not what the value of Impropriations is, who doe ſpeake of re-purchaſing them: Impropriations are judged to be twice as much in value, as all the Parſonages and Vicarages that are in Miniſters hands. The Impropriations, which are about foure thouſand, there being ſcarce any Market Towne, few great Pariſhes, of which the Rectorie is not impropriated. Some are valued to be worth two thouſand a year, ſome fifteen hundred, ſome a thouſand, many five hundred and foure hundred, the greater part two hundred, few under a hundred; which, if valued at two hundred a yeare one with another, they come to eight hundred thouſand a yeare, which at ten yeares purchaſe only amounteth to eight millions; which would require more then five yeares Tax and Exciſe to re-purchaſe; where Pariſhes, whoſe *Tythes* are not impropriated, would think it an injury to them to joyn in a common Tax for re-purchaſing them, which neither they nor their poſteritie would have any benefit by.

Object. 4. The maintenance which the Miniſter hath, is too large.

Anſw. 1. It is not ſo large as it was when our Anceſtors firſt gave them, neere two parts of three being impropriated, and appropriated, and ſo taken from the Miniſter.

2. It

2. It is not a quarter ſo large as that maintenance was, which the Lord himſelfe ſet out to the people of the *Jewes*, for the maintenance of *Jewiſh* Miniſters, although there be neere halfe as many Families of Miniſters in this Land, as there were perſons amongſt the *Jewes*, that were males: There being neere ten thouſand Pariſhes, beſides Chappels, whoſe Families have their totall dependance on this maintenance; and there were but three and twentie thouſand perſons, that were males, from a moneth old, and upwards, *Numb.* 26. 62. And yet by the Lords owne particular allowance, and command, they had fortie eight Cities, with their Villages, and Suburbs, and Fields to moſt of them adjacent, reaching two thouſand cubits from the walls of the Citie every way, *Numb.* 35. which portion of ground, if it had been layd together, would have been neere hand as good as their Lot for their ſmall Tribe came to. And for number of Cities, their habitation was ſix times as large as ſome other Tribes, who had ſcarce twentie Cities for ſixtie thouſand, *Joſh.* 19. *Joſh.* 18. with *Numb.* 26.

Beſides the firſt *Tythe*, the *Jewes* payd Firſt Fruits, and a ſecond *Tythe*, and a heave-offering out of the Dough: All which amounted to above twentie one parts of an hundred, which was more then a fifth part of their whole Crop; beſides their part out of their Sacrifices, their Offerings, and their Vowes. So that I could eaſily demonſtrate, that the *Levite*, though not the fortieth perſon in *Iſrael*, yet had above the fifth part of all the profits of the Land of *Iſrael*: Inſomuch, as they had proportionably to their number, above eight times ſo much as the other *Iſraelites* had, according to their numbers; and all this by Gods owne particular command.

Obiect. 5. *Tythes* might be put into a common Treaſure, and more equally divided.

Anſw. 1. The very Charge of gathering it into a common Treaſurie, at ten pound in a Pariſh, would be an hundred thouſand a yeare; which would be no gaine to the people, nor to the State, but a loſſe of the fifth part of the Miniſters maintenance; and the people, after all the great trouble of the

the Parliament, would complaine of more inconveniences then now they lye under.

2. Men would hardly be found faithfull, without further loſſe to the Miniſter, and to the people alſo: There would be in the paying of their Stipends, as there was in the paying of Augmentations, a great and juſt Complaint againſt ſome Officers by the Miniſters, who payd them in bad Money, or delayed them, ſo that they waſted their time, and eſtates, with unneceſſarie Journeyes; conſtraining them thereby, through neceſſitie, to the great diſhonour of the Parliament, to compound with them that payd them, and to take leſſe by farre then the State allowed them. And there would be in the gathering of *Tythes* by common Officers, many offences given to the people, as there was in gathering up Exciſe heretofore.

3. It doth not appeare that amongſt the *Jewes* all the Miniſters received an equall maintenance, but rather the contrarie; ſome receiving more, ſome leſſe.

4. For the Husbandman to pay it in Money, it would be farre worſe to him. I know many of them are better able to pay their *Tythes* in kind in Harveſt, or at other times, when they are due, then to ſpare one halfe of the worth of it in Money, at or after that time.

Object. 6. It was a Judaicall Rite, and therefore not to be obſerved amongſt Chriſtians.

Anſw. This argument would hold ſtrong, if they could prove paying of *Tythes* were a Ceremoniall Law, but it holdeth neither in Judiciall nor in Morall Lawes.

1. That this was not a Ceremoniall Law, is cleare: for, *thoſe things which were ceremoniall were ſhadowes of things to come, but the Body is Chriſt, Col.* 2. 17. *Heb.* 10. 1. Let any ſhew me any ceremonialitie of paying one of ten, more then one of ſeven, or the like, that pointeth out any thing in Chriſt, and I dare appeale to his owne conſcience and judgement, if he doe not wilfully blind himſelfe, for his owne approbation thereof.

2. If it were a Judiciall Law, then the equitie of that Law bindeth, as Platformes for States and Common-wealths, to conſtitute Lawes by. And indeed, what more equall Lawes

can man invent for the Government of a Common-wealth, then theſe which the great Law-giver of the world hath preſcribed as a patterne for Magiſtrates, at the leaſt to imitate? Albeit ſome thinke, yea, many of theſe that are Petitioners againſt *Tythes* (if I miſtake not) urge the ſtrict obſervation of Judiciall Lawes in caſes of Theft, againſt the Lawes now in force, for putting Felons to death.

3. If they ſay they are Morall, there is then a greater Right then a meere Civill Right: But becauſe it is the Civill Right I have now undertaken to vindicate, I paſſe by this, as not pertaining to the Queſtion in hand; although if that alſo were well handled, more would appeare for the Affirmative, then theſe that hold the Negative, in my opinion, could well anſwer.

Object. 7. It is a Heatheniſh cuſtome, and not to be uſed of Chriſtians.

Anſw. 1. I would know, why men call that Heatheniſh, which God enjoyned his people before the Heathens tooke it up?

2. Was it particularly a Heatheniſh cuſtome in this Land? If they meane ſo, this noteth according to them, that the Tenth was not in the peoples hand, not only ſince this Land profeſſed Chriſtianitie, but alſo in the time of Heatheniſme; and therefore have the leſſe cauſe of pleading againſt the paying thereof.

3. If they meane it was generally a Heatheniſh cuſtome, in reſpect of all Nations: if this ſhould be granted, this would not only hold forth a Civill Right, but alſo a Morall Right; it being not only payd by the *Jewes* by Gods command, but by the Heathens alſo, which for the moſt part were guided by the light of Nature.

Object. 8. It is Antichriſtian, and Popiſh, to pay *Tythes*.

Anſw. It is not *Tythes* Civill Right only, but many of the great Truths of God that men goe about thus to blaſt.

God forbid, but that all Gods people ſhould heare Gods Call, and come out of *Babel*, and hate every Error which the Whore of *Babylon* hath brought forth: yet withall, let us learne from the Scriptures wiſely to diſtinguiſh betweene the Soule-

Soule-ſaving Truths *Rome* borroweth from them, and the Soule-deſtroying Errors ſhe mingleth with them. A Gold-ſmith will not caſt away his precious Metalls, becauſe of Droſſe that is mixt with them; neither let us caſt away any Truth of God that *Rome* holdeth, becauſe ſhe hath blended it with Superſtition, and mixed it with Error. And indeed it is one of the great Errors of the Times, with which men are led aſide with, to quarrell with Apoſtolicall Truths, becauſe Apoſtaticall *Rome* doth but corruptly hold them: as the Doctrine of God, of the Trinitie, of the hypoſtaticall Union of two Natures in Chriſt, of Redemption by the bloud of Chriſt; that there is a Heaven, that there is a Hell, that there is a God; the uſing of the Prayer, called the Lords Prayer, the Magiſtracie, the Miniſterie, Ordination of Miniſters, diſtinction of Miniſters from the other people of God; Univerſities, knowledge in humane Arts. Proprietie of eſtates in any man, Matrimoniall proprietie, all Schoole-Divinitie, all Syſtemes of Divinitie, the Law, the whole Scriptures: in a word, any thing that croſſeth their fancie, is made Popiſh and Antichriſtian.

Thus hath the Devill taught men to crie downe Truth, and to crie up Errors with the emptie notion of Antichriſtianiſme, and to fright men from any Truth of God, or any Civill Right, by putting on it the ugly Vizard of miſhapen Poperie.

Surely, if we layd any claime to *Tythes* by the Popes Law, namely, the Canon Law, as the Papiſts doe, there might be ſome juſt cauſe of branding it as Popiſh and Antichriſtian. But to ſay it is Antichriſtian, who claim it by the Law of the Land, which is grounded on reaſon, and hath a Law of God for its precedent, bewrayeth in them either groſs ignorance, or wilfull ſtupidity.

Object. 9. The *Pope* challengeth the Right of all things given to the Church, to be in him; and the Right he had is revolved on the State.

Anſw. He that did exhalt himſelf above all that is called God, did alſo *de facto*, claime this Right, that he might hold all in ſubjection to him, and he might have Authoritie over

them; who for the ſame reaſon claimeth Right over Common-wealths and Kingdomes, and over all whatſoever: Yet I hope none amongſt us, that affect our Common-wealth, will ſay, that he had *de jure* this, or any other Right in this Land, which he unjuſtly chalienged. And therefore there can be no claime in or from him, who had no right thereto.

Object. 10. It is unjuſt, and unequall, for the people to pay *Tythes*, which is part of their labour.

Anſw. 1. The Apoſtle telleth them, ſpeaking in the name of the Miniſters of the Goſpel, 1 *Cor.* 9. 11. *If we have ſowne unto you ſpirituall things, is it a great thing if we ſhall reape your carnall things?* He inſtanceth in that, which the men of our time chiefely oppoſe as unjuſt.

2. Is there injuſtice in that Law, which hath the Law of God for a patterne? Are mans wayes equall, and ſhall the wayes of the God of Heaven be unequall? Oh, let not that proceed from the mouth of Chriſtians, to charge that with injuſtice in any people, which God preſcribed to his owne people as moſt juſt and equall.

Now the Lord of Heaven and Earth, in whoſe hands are the hearts of all men, who turneth them whither-ſoever he will, ſo direct the heart of this and of all other Parliaments of our Land, that they may not imitate *Holland*, and be guiltie of that which *Samuel* ſheweth ſhould be one of the ſinnes of Kings, 1 *Sam.* 8. 15. *To take the tenth of their Seed, and of their Vineyards, and to give them to their officers and ſervants:* But that they may enact ſuch righteous Lawes amongſt us, that Judgement may run downe as waters, and Righteouſneſſe as a mightie ſtreame, that the Lord may delight to dwell amongſt us, and that we may be a Crowne of Glory in the hand of the Lord, and a Royall Diademe in the hand of our God, that the Nations may ſee our Righteouſneſſe, and the Kings of the Earth our Glory.

FINIS.